

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BARBARA MONACO,**

**Plaintiff,**

**VS.**

**PETCO ANIMAL SUPPLIES STORES, INC.,**

**Defendant.**

**8:08CV4**

## SCHEDULING ORDER

The court has reviewed the plaintiff's Motion to Compel and/or Alter Initial Progression Order [36]. The motion and brief do not comply with the requirements of [Fed. R. Civ. P. 37\(a\)\(1\)](#) or [NECivR 7.1\(i\)](#), which provides:

- (i) **Discovery Motions.** To curtail undue delay in the administration of justice, this court will not consider any discovery motion unless counsel for the moving party, as part of the motion, shows in writing that after personal consultation with counsel for opposing parties and sincere attempts to resolve differences, they are unable to reach an accord. This showing shall also recite the date, time, and place of such communications and the names of all persons participating in them....
- (1) **“Personal Consultation” Defined.** “Personal consultation” shall include person-to-person conversation, either in the physical presence of each counsel or on the telephone. An exchange of letters, faxes, voice mail messages, or e-mails between or among counsel may also constitute personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the non-moving party.
- (2) **Form.** A discovery motion shall include in the text of the motion or in an attachment a verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion.

**IT IS ORDERED** that plaintiff is given until and including **July 10, 2008** to file an amended motion or to supplement the motion with the information necessary to comply with all requirements of [NECivR 7.1\(i\)](#) and [Fed. R. Civ. P. 37\(a\)\(1\)](#). Opposing parties shall respond within 10 business days after service of the supplemental information or amended motion.

**DATED June 26, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**